IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 13184 of 2004

Between:

1 N. Kalpana, W/o M. Kedarnath,
2 M. Kedarnath, S/o Ramamurthy,
(Both the petitioners are residents of M. Kothapalli Village Chandragiri Mandal, Chittoor District).

..... PETITIONERS

AND

1 The Government of A.P., Rep. by its Secretary, Home Department, A.P. Secretariat, Hyderabad.
2 The Director General of Police, Andhra Pradesh, Hyderabad.
3 The Station House Officer, Tirupati CCS, Tirupati.
4 The Station House Officer, Veeralapadu PS, Krishna, Dist.
5 G. Krishna Murthy Rao,
Addl. SP , AP Police Academy, Hyderabad.
6 G. Manjusree, W/o G. Krishna Murthy Rao,
Plot No.19, Siri Residency, Divya Sai Enclaves, Hitech City, Madhapur, Hyderabad.
7 M. Kumar, s/o Satyanarayana,
Aiswarya Associates, Annapurna Complex, Balkampet, S.R. Nagar, Hyderabad.
8 M. Ramesh S/o M.V. V. Rao,
Aiswarya Associates, Annapurna Complex, Balkampet, S.R. Nagar, Hyderabad.
9 P.V. Sukumar, S/o Kotaiah,
R/o Quarter No.1, Himayatsagar, AP Police Academy, Hyderabad.
10 Venu Rajasekhar,
Siri Residency, Divya Sai Enclaves, Hitech City, Madhapur, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 to 4 in not taking action in respect of the complaint lodged by the petitioners several times against the respondents 5 to 10 as illegal, arbitrary, contrary to the provisions of the Criminal procedure Code and unconstitutional and consequently direct the 1st and 2nd respondents to conduct an enquiry by the CBCID against the respondents 5 to 10.

Counsel for the Petitioner: MR.SRINIVASA RAO BODDULURI

Counsel for the Respondent Nos.1 to 4: GP FOR HOME

Counsel for the Respondents 5 and 6:Sri A.Sudarshan Reddy

The Court at the admission stage made the following:

ORDER:

The first petitioner claims to have submitted complaints on 03.12.2004, 12.02.2004 and 30.06.2004 before respondents 3 and 4 alleging certain criminal acts on the part of respondents 5 to 10. She states that no action has been taken thereon. Copies of the complaints are also said to have been forwarded to the second respondent, the Director General of Police. She seeks appropriate directions to respondents 2 to 4 for taking action on the basis of her complaints.

Heard learned counsel for the petitioners, learned Government Pleader for Home and learned counsel for the respondents 5 and 6.

The Code of Criminal Procedure (for short 'Cr.P.C.') prescribes the procedure for submission of complaints and taking cognizance thereof. Though in the normal course, cognizance of the cases are taken at the instance of the police, a complainant does not have to depend on the steps to be taken by the police alone. If it is found that the complaint is not being acted upon by the police, a citizen can certainly avail the remedy under Section 200 of Cr.P.C. by filing a complaint before the Magistrate having jurisdiction over the area. In such an event, the Magistrate can take cognizance of the offence, if satisfied on recording of the sole statement or may require investigation or enquiry to be undertaken thereon. It is too difficult for this Court to assess the gravity of a complaint or to pronounce upon the legality or otherwise of the acts of omission on the part of respondents 3 and 4.

In that view of the matter, the writ petition is disposed of leaving it open to the petitioners to file complaint before the Magistrate under Section 200 Cr.P.C., if she is

so advised. There shall be no order as to costs.

14.12.2004

Jsu

To

1. The Government of A.P., Rep. by its Secretary, Home Department, A.P. Secretariat, Hyderabad.
2. The Director General of Police, Andhra Pradesh, Hyderabad.
3. The Station House Officer, Tirupati CCS, Tirupati.
4. The Station House Officer, Veeralapadu PS, Krishna, Dist.
5. 2 CCs to the G.P. for Home, High Court of A.P., Hyderabad (OUT).

6. 2 CD copies.